

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

MASSACHUSETTS EYE & EAR  
INFIRMARY,

Plaintiff,

v.

EUGENE B. CASEY FOUNDATION  
and THOMAS F. REILLY, as he is the  
Attorney General of The  
Commonwealth of Massachusetts,

Defendants.

Case No. 1:05-cv-11229-NMG

**JOINT SCHEDULING CONFERENCE MEMORANDUM**

Pursuant to Local Rule 16.1(d)(1), Fed. R. Civ. P. 16(b), and the Notice of Scheduling Conference, the parties herein by their respective counsel submit this Joint Scheduling Conference Memorandum:

**1. Proposed Scheduling Order.**

The parties propose that the following timelines be set with reference to the date of the Court's Order on the Eugene B. Casey Foundation's Motion to Dismiss:

Event

Date

Rule 26 disclosures

14 days from Order

Completion of Paper Discovery

104 days from Order (subject to enlargement to resolve any discovery disputes)

<u>Event</u>	<u>Date</u>
Completion of Fact Discovery	9 Months from Order
Service of Requests for Admissions	30 days from completion of fact discovery
Plaintiff's Disclosure of Expert Reports	30 days from completion of fact discovery
Responses to Requests for Admissions	60 days from completion of fact discovery
Defendant's Disclosure of Expert Reports	60 days from completion of fact discovery
Depositions of Expert Witnesses Completed	60 days from Defendant's Disclosure of Expert Reports
Summary Judgment Motions Filed	60 days from completion of expert depositions
Status conference/final pretrial	To be scheduled by court
Trial Date	To be assigned

**2. Other Agenda Items.**

None.

**3. Trial by Magistrate Judge.**

At this time the parties do not agree to trial by a Magistrate Judge.

**4. Certification by Counsel and Parties.**

Pursuant to Local Rule 16.1(d)(3), by the signature of counsel for the parties below and signature of an authorized representative of each party on the attached Certificates, each party and that party's counsel confirm that they have conferred with a view to establishing a budget for the costs of conducting the full course - and various alternative courses - of the litigation and have conferred to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

**5. Consideration of Phased Discovery.**

The parties have considered the desirability of conducting phased discovery and have concluded that it is not appropriate in this case.

EUGENE B. CASEY FOUNDATION  
By its attorneys,

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MASSACHUSETTS EYE & EAR INFIRMARY  
By its attorneys,

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THOMAS F. REILLY, as he is the Attorney  
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By his attorneys,

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Dated: July 27, 2005

**CERTIFICATE OF SERVICE**

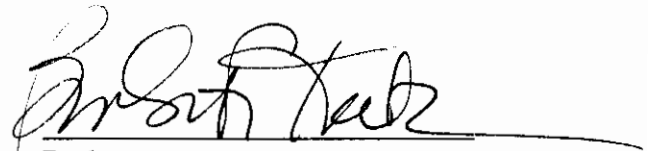
I hereby certify that on this day a true copy of  
the above document was served upon the  
attorney of record for each party by mail ~~by hand~~.

Date: 7/29/05

*John C. Kane Jr.*

CERTIFICATE

I hereby certify, as an authorized representative of the plaintiff Massachusetts Eye and Ear Infirmary, that I have conferred with counsel with a view to establishing a budget for the costs of conducting the full course - and various alternative courses - of the litigation and have conferred to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4



Barbara F. Katz  
General Counsel